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P/4302-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Francisco Speich, et al.

Date: February 2, 2005

U.S. National Phase of PCT/CH2003/00252

International Filing Date: 15 April 2003

Serial No.: 10/509,470

Filed: September 28, 2004

For: WIRELESS THREAD CONTROLLING DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION

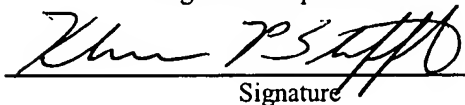
Sir:

Applicants submit herewith an English language translation of the PCT International Preliminary Examination Report for the above-identified application. The PCT International Preliminary Examination Report was submitted in the German language along with the U.S. national phase application on September 28, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 2, 2005:

Klaus P. Stoffel

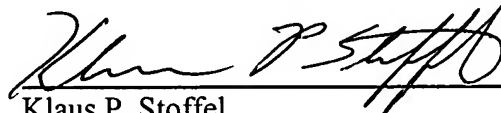
Name of applicant, assignee or
Registered Representative


Signature

February 2, 2005

Date of Signature

Respectfully submitted,



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Enclosure

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

SCHMAUDER & PARTNER AG
Zwängiweg 7
CH-8038 Zürich
SUISSE

Schmauder & Partner AG
Patentanwälte

14. Jan. 2005

Dankend erhalten
Received with thanks

Date of mailing (day/month/year) 13 January 2005 (13.01.2005)	
Applicant's or agent's file reference p-6809 01	IMPORTANT NOTIFICATION
International application No. PCT/CH2003/000252	International filing date (day/month/year) 15 April 2003 (15.04.2003)
Applicant TEXTILMA AG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NO, NZ, OA, OM, PH, PL, PT, RO, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 80

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000252



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference p-6809 01	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000252	International filing date (<i>day/month/year</i>) 15 April 2003 (15.04.2003)	Priority date (<i>day/month/year</i>) 10 May 2002 (10.05.2002)
International Patent Classification (IPC) or national classification and IPC D03C 3/24, 3/42		
Applicant TEXTILMA AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 November 2003 (27.11.2003)	Date of completion of this report 20 February 2004 (20.02.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000252

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-6 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-13 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/3-3/3 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: GB 1 219 012 A.

2. Document D1, which is considered the closest prior art, discloses a cordless yarn control device according to the preamble of independent claim 1 (see page 3, line 121, to page 4, line 4; figures 1 and 11). According to the embodiment shown in figure 11, the end part of the driver has a curved hook (80, 82) designed as a damper.

3. A disadvantage of this device is that the oscillation of the elastic hook does not allow for high rotation speeds. The object of the invention is to modify the known device in such a way that this disadvantage is eliminated.

4. The stated problem is solved by the following features:

The driver (4, 44, 68) is designed to be rigid in the longitudinal direction and split between the lifting device (22, 70) and the control means (30,

46), and the driver parts (4a, 4b, 44a, 44b, 68a, 68b) are interconnected by an elastic damping member (40, 24),

and/or

the driver (68) can be coupled in a non-contacting manner with the lifting device (70) through an electromagnetic field of an electromagnetic coupling device (66) acting as a damper.

5. The combination of features of neither the first nor the second alternative is known from or suggested by the available prior art. Consequently, the subject matter of independent claim 1 involves an inventive step (PCT Article 33(3)).
6. Dependent claims 2-13 refer back to claim 1 and hence the subject matter of these claims likewise satisfies the requirement of PCT Article 33(3).